

**IN THE UNITED STATES DISTRICT COURT** U.S. DISTRICT COURT  
**FOR THE EASTERN DISTRICT OF TEXAS** EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FEB 08 2008

DAVID J. MARYLAND, CLERK  
BY  
DEPUTY

AMERICAN COMMUNITY  
NEWSPAPERS, LLC d/b/a STAR  
COMMUNITY NEWSPAPERS,

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CASE NO. 4:06cv295

V.

## THE CITY OF PLANO

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**Defendant.**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 15, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that The City of Plano's Motion to Dismiss American Community Newspapers Original Complaint (Dkt. 38) be GRANTED, in part, and DENIED, in part. On February 1, 2008, upon an unopposed motion by Plaintiff, the Magistrate Judge entered an order clarifying a statement within that report. *See* Dkt. 83.

Having received the report of the United States Magistrate Judge, as clarified by his February 1, 2008 order, and no objections to the recommendations in the report having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, The

City of Plano's Motion to Dismiss American Community Newspapers Original Complaint (Dkt. 38)

is GRANTED, in part, and DENIED, in part.

SIGNED this 8<sup>th</sup> day of February, 2008.

  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE